No. 244. 35

Motion to advance

SUPREME COURT U. S.
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JAMES H. McKENNEY,
Clerk.

Filed Oct. 6, 1899.

Supreme Court of the United States.

OCTOBER TERM, 1899.

No. 244.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY ET AL., PLAINTIFFS IN ERROR,

vs.

WIRT ADAMS, STATE REVENUE AGENT.

MOTION TO ADVANCE.

R. C. BECKETT,
Attorney for Defendant in Error.

(17,341.)

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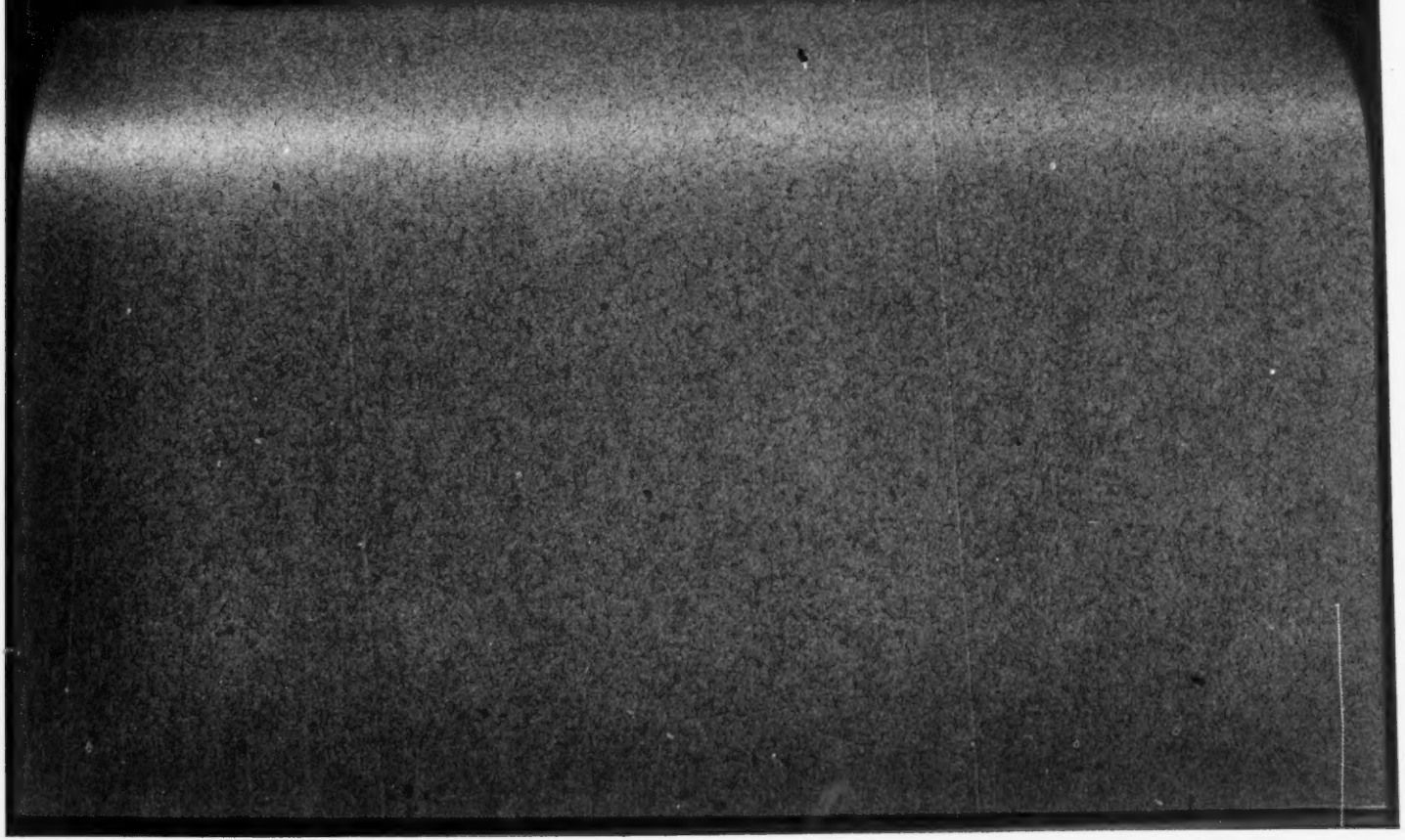

IN THE

Supreme Court of the United States.

OCTOBER TERM, A. D. 1899.

No. 244.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY ET AL., PLAINTIFFS IN ERROR,

vs.

WIRT ADAMS, STATE REVENUE AGENT, DEFENDANT IN ERROR.

IN ERROR TO THE SUPREME COURT OF THE STATE OF MISSISSIPPI.

MOTION TO ADVANCE.

Comes the defendant in error herein, by his attorney, and moves this honorable court to advance this cause upon the docket and hear it at as early a day as the convenience of the court will permit, and for the reasons therefor states as follows:

First. That in his said office as State revenue agent and defendant in error here he represents the State of Mississippi,

as well as the towns and counties named in this suit, under the provisions of section 4194 of the Annotated Code of Mississippi of 1892 and the amendatory act of February 7th, in Laws of 1894, sections 2, 3, and 4, on pages 29 and 30, which authorize him to bring the suits for the use of said State and said counties and towns.

Second. That besides this suit for taxes, State, county, and municipal, for about $600,000, there is another suit still pending in the chancery court of Hinds county, in said State, for more than $400,000 of taxes on the same property, which has not been reduced to judgment, and taxes before judgment do not bear interest in Mississippi, and these suits, besides the State taxes, involve the county and town taxes in fifteen counties, of which the State taxes are nearly one-half, the public schools in Mississippi being almost entirely supported out of the State taxes.

Third. The towns of Vicksburg, in Warren county, and Greenville, in Washington county, have issued, which are now outstanding, bonds in aid of this railroad to the amount of $100,000 each, on which they are annually paying interest at the rate of 6 per cent. per annum, and the county of Bolivar similar bonds to the amount of $150,000, bearing the same rate of interest.

Fourth. There are also pending suits for thirteen years' taxes against the Canton, Aberdeen and Nashville Railroad Company and its lessee, said Illinois Central Railroad Company, for State, county, and municipal taxes, and similar suits for thirteen years' similar taxes against the said Yazoo

and Mississippi Valley and Illinois Central Railroad Companies on what was formerly the said Natchez, Jackson and Columbus railroad, so much spoken of in this litigation, the former being in the counties of Attala, Choctaw, Oktibbeha, Clay, and Monroe and the latter in Adams, Claiborne, Copiah, Jefferson, and Hinds counties, and there is pending a similar suit for similar taxes for thirteen years on the Gulf and Ship Island railroad in the counties of Harrison and Perry; so that it may be said that the State, county, and municipal taxes are involved in twenty-seven counties, and, counting the Riverside division, in this suit in about thirty counties, besides some taxes of State and national banks and factories and other enterprises.

Fifth. And the State of Mississippi has an old-fashioned State-house or capitol building, in which is located the offices of the governor, secretary of state, auditor, treasurer, attorney general, State superintendent of education, land commissioner, and State revenue agent, and the supreme court room and their consultation-room, and a valuable law library and literary library, besides valuable records in the offices of the auditor of public accounts and secretary of state, a few dollars in the State treasury, and the State senate and house of representatives also meet there biennially, their next meeting being on the first Tuesday after the first Monday or 6th day of January, 1900, and the building is in a very unsafe and dangerous condition, so much so that public meetings can no longer be held there, and at the last session contractors and experts employed by the legislature have reported that the building can no longer be properly repaired, but that an entirely new building is necessary, and the

pendency of these suits, and this one in particular, is a great embarrassment to the State, because the legislature is exceedingly anxious to build a new State-house or capitol building, and the members of the legislature can form no idea of the money or price the State is able to expend for that purpose. They wish to erect a modern and creditable building, and cannot tell what can be used for that purpose until this suit is decided, and in anxiety and expectancy they are waiting, and all the time the lives of all said State officers are being continually endangered and imperiled, besides the loss of and injury to many valuable books and documents. The State-house has the walls split and cracked and, besides being propped, has the floors supported by large and long unsightly wooden columns standing inside.

And the defendant in error says that said cities and counties and said State of Mississippi, which is also paying interest on a large State debt, are all seriously embarrassed by any further delay in this suit, and also in these matters, and that as a matter of pure justice and equity this cause should be advanced on the docket and heard as soon as practicable.

WIRT ADAMS,
State Revenue Agent,
By his attorney, R. C. BECKETT.

Before me, S. T. Sykes, deputy circuit clerk of the United States for the eastern division of the northern district of Mississippi, this day personally appeared the above-named R. C. Beckett, attorney of the defendant in error in the above-styled cause, well known to me as such, and, being by me duly sworn, deposes and on oath says that the statements

in the motion and petition to advance said cause are true as therein stated, according to the best of his information, knowledge, and belief, and that the reason this affidavit is not made by said Wirt Adams is that he has just left Jackson, Mississippi, where his home and office is, on account of the spread of yellow fever there, and affiant does not know yet where he has gone.

R. C. BECKETT,
Agent and Attorney for said Wirt Adams.

Sworn to and subscribed before me this October 3, 1899.

[SEAL.]

GEO. R. HILL, *Clerk*,
By S. TURNER SYKES,
Deputy Circuit Clerk.

IN THE SUPREME COURT OF THE UNITED STATES, OCTOBER TERM, A. D. 1899.

THE YAZOO AND MISSISSIPPI VALLEY RAILROAD COMPANY ET AL., *Plaintiffs in Error*, *vs.* WIRT ADAMS, *State Revenue Agent, Defendant in Error.*	No. 244.

In error to the supreme court of the State of Mississippi.

NOTICE OF MOTION TO ADVANCE.

To

Attorneys of Record for Plaintiffs in Error in the Above-entitled Cause:

You are hereby notified that the defendant in error in said cause will, on Monday, the 16th day of October, A. D. 1899, on the meeting of the Supreme Court of the United States on that day, or as soon thereafter as counsel can be heard, submit for the consideration of the court the attached motion to advance this cause on their docket for reasons therein stated.

R. C. BECKETT,
Attorney for Defendant in Error.